

E-Filed 7/26/11

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ARISTEO RIOS,

No. C 09-05499 RS

Plaintiff,

v.

**ORDER TO FILE MOTION FOR
DEFAULT JUDGMENT OR TO
SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED**

J.R. WEST, INC., d/b/a JOHNNY
ROCKETS

Defendant.

The history of delays and procedural issues are reflected in the record of this action and will not be recounted here. On April 21, 2011, plaintiff was ordered to file his request for entry of defendants' default by May 1, 2011, and to move for default judgment promptly thereafter. Although plaintiff substantially complied with the first requirement,¹ over ten weeks have elapsed since the Clerk entered default and plaintiff has still not filed his motion for default judgment. Accordingly, unless the motion is on file no later than 5:00 p.m. on August 3, 2011, plaintiff shall

¹ Because the May 1, 2011 deadline fell on a Sunday, plaintiff had until the following day to comply with the order. His request for entry of default, filed on May 3, 2011 was therefore one day late.

1 appear on August 4, 2011 at 1:30 p.m. and show cause why this matter should not be dismissed for
2 lack of prosecution.

3
4 IT IS SO ORDERED.

5
6 Dated: 7/26/11



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE